

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1227 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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DIR OF TRANSPORT AND SECRETARY STATE TRANSPORT AUTHORITY

Versus

MANHARLAL GOKALDAS SHAH

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Appearance:

MS PS PARMAR for Petitioner

None present for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/06/97

ORAL JUDGMENT

Heard learned counsel for the petitioner and perused the order impugned in the Special Civil Application.

2. The respondent, herein, filed Appeal No.30 of 1982 before the State Transport Appellate Tribunal, Gujarat State, at Ahmedabad and challenge has been made thereunder to the order of the petitioner, herein, under

which All India Tourist permit granted to him was ordered to be suspended for fifteen days for contravention of the condition of permit. This order has been passed by the petitioner under Section 60(1)(b) of the Motor Vehicles Act, 1938 (Old Act). Under the impugned order of the State Transport Appellate Tribunal, this order has been set aside.

3. The permit was suspended only for fifteen days and that period has expired long back and as such, nothing now survives to be decided in this matter on merits. The learned counsel for the petitioner contended that though suspension period has already expired, but still this matter be decided on merits so that the principle may be laid down. This Court is already facing heavy pendency of matters and it is unable to decide the matters speedily in which substantial grievances are surviving. In view of this fact, I do not consider it to be appropriate to go on merits of the matter. Nothing now survives in this petition and as such it has become infructuous.

4. However, it is made clear that dismissal of this Special Civil Application will not be construed to be a decision on merits affirming the order impugned in the petition. In the result, the Special Civil Application fails and the same is dismissed. Rule is discharged. No order as to costs.

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